

REMARKS

Claims 7-13 are pending. Claims 7-13 have been rejected on the same basis as in the prior Office Action dated July 2, 2002. The pending rejection is designated as a Final Rejection. To further differentiate the invention, the applicant's claims have been amended. Claims 14-16 have been added, and are drawn to subject matter disclosed in the specification on page 4 (the 24mm sum of the two 12mm branch diameters is 20% greater than the 20mm diameter of the restricted section). The applicant believes that with the present amendment, the claims are in condition for allowance. Entry of the present amendment is therefore requested. Alternatively, entry of the amendment is requested to place the application in better condition for appeal.

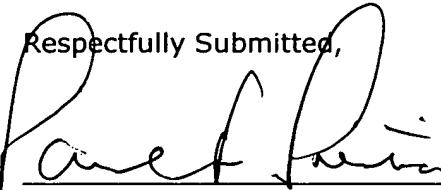
Rejection under 35 U.S.C. § 102

The Office Action rejects claims 7-9 and 11-13 under 35 U.S.C. § 102(b) as anticipated by Martin (U.S. Patent Application No. 5,575,817) and rejects claims 7-13 under 35 U.S.C. § 102(e) as anticipated by Kugler et al. (U.S. Patent No. 6,129,756). The applicant respectfully urges that these rejections are improper and should be withdrawn, particularly in view of the present amendment.

Each of the independent claims, as amended, recites "a trumpet-shaped, concave transition portion." The applicant has added the adjective "trumpet-shaped" to further clarify the applicant's intended meaning of the term "concave". The applicant shows such a transition portion in Fig. 4 and describes the transition portion in page 9, lines 5-8 as being "trumpet-shaped." The applicant disagrees with the Office Action's characterization of the transition portions shown in Kugler or Martin as being concave at all, but respectfully submit that there can be no question that neither of the references show a trumpet-shaped concave section, as claimed by the applicant.

Conclusions

For all of the above reasons, the rejections under 35 U.S.C. §§ 102 should all be withdrawn. Favorable action is earnestly solicited. The Examiner is invited to call the applicants' undersigned representative if any further amendment will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully Submitted,


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Enclosures: Version with markings to show changes made

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VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS:

Claims 14-16 have been added.

1 7. (Once Amended) An endoluminal device for deployment within
2 a first lumen comprising a restricted section having an inner surface with an inner
3 diameter and a bifurcation into branch ~~lumen~~ lumens each having an inner surface
4 with an inner diameter, the restricted section inner diameter being smaller than a
5 sum of the branch lumen inner diameters, the device comprising a proximal main
6 tubular portion to be retained within a proximal portion of the first lumen and having
7 a first diameter and two tubular limbs depending from the proximal main tubular
8 portion, each limb having a second diameter and a distal end portion for deployment
9 inside one of the branch ~~lumen~~ lumens against the branch lumen inner surface, the
10 distal end portion defining a third diameter larger than the second diameter, wherein
11 the sum of the two second diameters is less than the restricted section inner
12 diameter and each tubular limb comprises a trumpet-shaped, concave transition
13 portion extending from the second diameter to the third diameter.

1 12. (Once Amended) A method of treating an afflicted portion of a
2 branched lumen, the method comprising the steps of:

3 identifying a first lumen comprising a restricted section having an
4 inner surface with an inner surface diameter and a bifurcation into branch lumen
5 each having an inner surface with an inner surface diameter, the first lumen
6 restricted section inner surface diameter being smaller than the sum of the branch
7 lumen inner surface diameters,

8 implanting an endoluminal device in a location in the first lumen, the
9 endoluminal device comprising a proximal main tubular portion having a first
10 diameter and two tubular limbs depending from the main tubular portion, each limb
11 having a second diameter and a distal end portion, the distal end portion having a
12 third diameter larger than the second diameter ~~and, at a~~ the location comprising a

13 location in which such that: (i) said main proximal main tubular portion is disposed
14 within a proximal portion of the first lumen; (ii) each of said tubular limbs is
15 disposed inside an associated branch lumen; and (iii) the distal end portion is
16 disposed within one of said branch lumen and restricted from full expansion by the
17 branch lumen inner surface, wherein the second diameters of each of said two
18 tubular limbs are sufficiently small to allow both tubular limbs to be deployed side-
19 by-side in a fully expanded state within the restricted section inner diameter without
20 being constrained by the first lumen restricted section inner surface and wherein
21 each tubular limb comprises a trumpet-shaped, concave transition portion extending
22 from the second diameter to the third diameter.

1 13. (Twice Amended) An endoluminal device for deployment within
2 a first lumen having a restricted section with a diameter and a bifurcation into a
3 plurality of branch lumen each having an inner diameter, the device comprising:

4 a proximal main tubular portion to be retained within a proximal
5 portion of the first lumen; and

6 a first and a second tubular limb depending from said proximal main
7 tubular portion;

8 wherein each of said first and second tubular limbs comprises: (i) an
9 elongated portion for extending across the restricted section and having a first
10 diameter which is less than one-half of the restricted diameter; (ii) a distal end
11 portion to be located inside an associated branch lumen and to be held against an
12 inner surface of the branch lumen, the distal end portion defining a second diameter
13 larger than the first diameter and greater than one-half of the restricted diameter;
14 and (iii) a trumpet-shaped, concave transition portion extending between the
15 elongated portion and the distal end portion.